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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,523	05/25/2001	WALTER R. KLAPPERT	600253-002	4790
61834	7590	10/17/2007		
DREIER LLP 499 PARK AVE NEW YORK, NY 10022			EXAMINER BROWN, RUEBEN M	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/866,523

Applicant(s)

KLAPPERT ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 & 10-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-7 & 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams, (U.S. Pat # 5,541,662), in view of Matsubara, (U.S. Pat # 5,699,106), and further in view of Peairs, (U.S. Pat # 6,182,090).

Considering claim 1, the claimed system for providing an interactive look-and-feel in a playing device receiving digital information:

Regarding the claimed, 'signal generator which generates a digital signal comprising interleaved bits of at least one audio, video and binary data for play on a playing device, and private data', Adams teaches that the interactive video system transmits a digitized video data packet 80 interleaved with an audio data packet 82 and associated data packet 84, see col. 7, lines 1-37 & Fig. 4-5. Adams does not discuss the transmission mechanism, however, the claimed 'signal generator' is inherent in Adams.

The claimed 'private data that includes an event identification for the at least one audio, video or binary data for linking to additional at least one audio, video or binary data, such that each hot-spot is linked to at least one of the additional audio, video or binary data, wherein the link data includes a set of coordinates defining a location on the playing device', reads on Adams, which teaches that the commands included in the associated data packet 84 includes the coordinates and position of graphics/icons on the display, col. 7, lines 31-65 & col. 8, lines 64-67 thru col. 9, lines 1-5. As for the claimed, 'synchronization time', Adams discloses that the data packets include a Time Stamp that is used to synchronize the audio, video and associated data packets 80-84, see col. 7, lines 15-20. The Link Data reads on the disclosure in Adams of 'commands that specify functions performed if a user selects the selection windows', see col. 3, lines 5-9; col. 6, lines 54-58; col. 8, lines 64-67.

However, Adams does not explicitly state that the graphic/icon is linked to an additional audio/video/graphic data. Nevertheless, Matsubara provides a standard teaching on the use of a

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menu screen that contains, for instance, menu numbers 1-9 that are associated with graphical and/or video data, (Abstract; Fig. 2; col. 4, lines 1-25; col. 5, lines 19-30). Matsubara goes on to teach a screen with a plurality of selectable icons, such that when a subscriber selects one of the icons, sub-menu of items are presented, from which the subscriber can select at least one of a plurality of associated channels, (col. 5, lines 54-67 thru col. 6, lines 1-65). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Adams in a manner that the graphic icons are linked to additional data, as taught by Matsubara at least for the desirable advantages of interactive programming technology.

As for the amended claimed, 'continuously broadcasting the digital signals from a head end server without transmission from the playing device for playing the at least one of audio, video and binary data and the additional at least one audio, video and binary data', Matsubara teaches that the menu screen and channel information are cyclically transmitted and the invention is operated without up-link transmission, (col. 6, lines 25-67; col. 8, lines 41-62).

As for the additionally claimed feature of the 'private data' including 'an indication of the number of hot-spots', Adams does not discuss such a feature. Nevertheless Peairs, which is in the same field of endeavor, teaches that when multiple interactive icons are placed on a page or document that it is advantageous to keep track of the total icons, at least by providing each icon with a sequential number, Abstract; col. 4, lines 35-65. Peairs teaches that an icon serializer 46 increments the number or code used to identify a particular icon and the number or code is also sent to the document index table 38 to be used as a key for the document 12. The icons discussed

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in Peairs correspond with graphics/icons disclosed in Adams & Matsubara. It would have been obvious for one of ordinary skill in the art, at the time the invention was made, to modify Adams with the feature of numbering the interactive icons, which reads on the claimed 'hot-spots', for the desirable improvement of indexing the content on the page, which may allow the hot-spots to be presented in a sequential manner, if so desired by the system, as taught by Peairs.

The claimed 'means for broadcasting the digital signals', is inherent in Adams since the digitized data packets are transmitted in the system.

The claimed 'receiver which receives the digital signal at the user locations, and plays at least one of audio, video or binary data on the playing device, and selectively features the hot-spots', reads on the combination of the computer system 10 of Adams, see col. 4, lines 15-50 & col. 5, lines 10-67 thru col. 6, lines 1-41 and the receiver in Matsubara, (Fig. 1; col. 3, lines 14-41).

Considering claim 2, 'wherein the set of coordinates defines two or more points, and wherein the receiving device comprises a processor', Adams teaches that the selection information includes the height and width, which requires more than two points. The claimed processor is met by the operation of the processor 52; see Fig. 2; col. 5, lines 25-64; col. 8, lines 35-40.

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Considering claim 3, the claimed private data enabling a plurality of portions of the broadcasted signal to be separately selectable, reads on the coordinates of each graphic icons that are selectable, separate from each the other, a taught by Adams.

Considering claim 5, Adams teaches the data may be transmitted in MPEG format; see col. 4, lines 5-14, which require an MPEG encoder at the transmitter and decoder at the receiver, in order for the system to properly operate. Also see Matsubara, col. 3, lines 35-40.

Considering claim 6, the time-code in Adams is used to synchronize graphics/text/audio data with video data, and meets the claim, col. 7, lines 15-21 & col. 8, lines 54-58.

Considering claim 7, the claimed method for providing an interactive look-and-feel, comprises steps that correspond with subject mater mentioned above in the rejection of claims 1, and is likewise analyzed.

Considering claims 10-11, Adams meets the claimed subject matter, col. 7, lines 9-37.

Considering claim 12, Adams teaches that the broadcast signal may be transmitted in analog form, and converted to digital form at the receiver system 10, see col. 4, lines 15-67.

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Considering claim 13, the claimed subject matter is consistent with the operation of Adams & Matsubara and reads on selecting a graphic icon, which links to additional information.

Considering claim 14, the claimed processor reads on the processor 52 in Adams.

Considering claim 15, the receiver 10 in Adams meets the claimed subject matter, Fig. 5 & Fig. 6.

Considering claim 16 Adams decodes the private data.

Considering claim 17, the computer receiver 10 is connected to a display device 12 in Adams, Fig. 1.



*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's claims.

A) Menand Teaches transmitting executable codes within a TV programming that enables an interactive application.

B) Abbott Teaches synchronizing a media stream with an auxiliary index file.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
REUBEN M. BROWN  
PATENT EXAMINER